IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.33760 of 2008
SANTOSH MUKHIYA & ORS
Versus
STATE OF BIHAR
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2 20.8.2008 Heard learned counsel for the petitioners and the State.

Petitioners are being prosecuted under section 25(1-b) A, 26, 35 of the Arms Act.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case. They were simply boarding the vehicle as passengers. It is stated that nothing has been recovered from their conscious possession. In support of his submission learned counsel brought on record the seizure list by way of filing supplementary affidavit wherein it is shown that several articles like cash, mobile phone etc., were seized from the petitioners. It is submitted that allegation in the first information report is that arms were recovered from a bag lying in the vehicle and not from any passenger. It is submitted that after seeing the police two persons fled away. Lastly learned counsel submits that the petitioners are in custody since 24.2.2008 without any recovery of arms from their possession.

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Learned counsel for the State submits that it appears that the petitioners were engaged in smuggling of arms and they were near the Indo Nepal Boarder.

In the facts and circumstances of the case and in view of the submissions made on behalf of the parties let petitioners Santosh

Mukhiya, Haridev Yadav, Bijay Kumar Yadav, Kusheshwar Mukhiya, Nedev Yadav @ Indraded Yadav, Lal Babu Mandal and Ram Udgar Sah be released on bail on their furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of C.J.M, Madhubani in connection with Jainagar (Deodha) P.S. case no. 80/08 subject to the condition that one of the bailors must be family member of the petitioners.

(Dr. Ravi Ranjan, J)

Rahman/

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